

**INTERIM STRATEGIC PLANNING REPORT
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

(Approved and Adopted 7/18/01)

INTRODUCTION

Consistent with the Strategic Planning Report adopted by the United States District Court in March 1999, a committee of district, magistrate, and bankruptcy judges, together with the Clerk of Court, met periodically from September 2000 through February 2001 to review the 1999 report. The committee consulted with the Clerk of the Bankruptcy Court, other unit executives, and agency heads. This Interim Report was presented for consideration by the bench in July 2001.

Several issues were identified as the most critical for immediate and long-term planning. Echoing the 1999 report, the need for construction of an annex in Greenbelt is the most urgent space and facilities issue. Even with the expected move of the Probation Office out of the present courthouse, it appears possible that there will not be sufficient space for the Bankruptcy Court, particularly with the increase in bankruptcy filings anticipated in 2001. Every effort is being and must continue to be made to convince the Judicial Conference Committees, the Administrative Office, and the relevant members of Congress to support this project.

Related to the need for an annex is the continuing and projected caseload distribution between Baltimore and Greenbelt. The Southern Division accounts for approximately 40% of both the civil and criminal case filings in the District of Maryland, yet there is space for only three of the ten active district judges in the Greenbelt courthouse. While Northern Division judges take a share of the Southern Division civil caseload and provide support on criminal trials whenever possible, the long range solution must include space for additional judges and related court offices in Greenbelt. The Congressional and judicial purpose involved in establishing the Southern division in 1994 is not well served when litigants and affected agencies must travel to Baltimore because of the failure to fund expansion, the need for which was obvious from the moment the Greenbelt courthouse opened its doors to the public.

Critical caseload issues include the dramatic increase in the prosecution of felon-in-possession cases by the United States Attorney's Office, which is expected to continue under the new administration, as well as an increase in violent crime prosecution and federal capital cases. This affects caseload management by the judges and also heightens the burden on the Federal Public Defender's Office and the CJA Panel attorneys. A related issue of extreme importance to the court is the anticipated termination of funding in March 2002 for the supervising CJA attorney pilot project. The judges are unanimous in their strong support for the continuation of this position. The judges also are unanimous in their support for the long-overdue construction of a federal pretrial detention center. The need for a secure facility with adequate medical care and attorney access for pretrial detainees has only been emphasized by the increasing effort to prosecute violent crime.

The committee appreciates the efforts of all those who participated in the process of interim review and notes the continued confidence of the bench in the excellence of service provided by the staff of both divisions of the United States District Court.

I. Alternative Dispute Resolution

The court's magistrate judges, who are very experienced and effective, continue to offer voluntary mediation services to the parties in civil cases. Local Rule 607 will reflect compliance with the Alternative Dispute Resolution Act of 1998, 28 U.S.C. § 651 et seq. The committee identified no reason to change the court's strong belief that settlement conferences and other forms of mediation conducted by judicial officers at no additional cost to the litigant is preferable to mandatory referrals or mediation provided by a panel of lawyers or other professionals. Of course the parties are free to seek outside mediation services if they so choose.

The bankruptcy court, which does not enjoy the alternative of magistrate judges, has adopted a new Local Rule describing its Bankruptcy Dispute Resolution Program, which relies on a panel of volunteer "Resolution Advocates." See Rule 9019-2.

II. Attorneys' Fees Guidelines

The Rules and Guidelines adopted in 1997 continue to work well. An ad hoc committee of plaintiffs' and defendants' lawyers from both Divisions was convened in March 2001 to consider any necessary changes, and a rate increase to reflect the passage of time was adopted. It remains a goal to create and make use of an automated data base of fee awards granted under the Guidelines.

III. Automation and Technology

The court anticipates further advances in the use of automation and technology. Most of the short-term goals identified in the 1999 Report have been accomplished; the District of Maryland successfully operated as a pilot for the implementation of Lotus Notes; CM/ECF is underway in the Microsoft and other MDL cases; and planning continues for the full implementation of CM/ECF within

the next two to three years. Recently renamed the Information Technology (“IT”) Committee, a group of district, magistrate, and bankruptcy judges together with the Clerk, the Director of Information Technology, and the Supervising Staff Attorney meet monthly to discuss automation related issues. Constant focus needs to be maintained on the importance of integrating automation and operations, for example, in the court’s web-based calendar and in the information offered on the website.

IV. Bench/Bar Relationships

Cooperative efforts among the bench and bar continue, with regular committee meetings, educational programs in which the judges participate, a biennial bench/bar conference, and the institution of a Pro Bono Service Award for the provision of outstanding service to the court’s indigent litigants.

V. Budget Issues

The Budget Committee continues to function well, and the Clerk and the Chief of Probation and Pretrial Services are providing good management of budget issues. The status of funding for the CJA Supervising Attorney remains unclear, as discussed further in Section XI. A new responsibility of the Budget Committee will be to set priorities for the use of cyclical maintenance money, recently delegated to the courts for use in repainting, recarpeting and similarly refurbishing chambers, courtrooms and office space in the courthouse. It is essential that the judges resolve among themselves any issues raised by the necessity to choose between conflicting priorities of individual judges who make requests for cyclical maintenance renovation and “wish list” items, and that judges not place the Clerk and her staff “in the middle” during the budgetary process.

VI. Buildings and Facilities

A. Baltimore Courthouse

Significant improvements, including many of those identified in the 1999 Report, have been made to the Baltimore courthouse, such as renovation of the outside plaza and introduction of a new café on the first floor (“The Daily Perk”). Planning is nearly complete for two renovated high-technology courtrooms on the seventh floor and the creation of a conference room and historical center on the second floor. Reorientation of the building to face Pratt Street, a principal pedestrian thoroughfare, is another short-term goal. Construction of a new courthouse in Baltimore, if a suitable location can be found and sufficient funds become available, remains a long range possibility.

B. Greenbelt Courthouse

The court agrees that the most urgent space and facilities need for the District is the immediate construction of an annex for the Greenbelt courthouse. The need to find chambers space for one or more additional bankruptcy judges, a district judge, and perhaps a Fourth Circuit judge remains a very real short-term possibility. Even without the addition of any judges, and even with the planned departure of the Probation Office, there appears to be inadequate space to accommodate both the District Court Clerk’s Office and the Bankruptcy Court Clerk’s Office.

While the Judicial Conference Committee on Judicial Resources is no longer recommending an eleventh district judgeship for Maryland, the caseload statistics showing that almost 40% of the criminal and civil cases are properly assigned to the Southern Division supports the need for the next district judge

appointed to sit in that Division.¹

C. Hyattsville

Our agreement to use a state court facility in Hyattsville for magistrate judge criminal proceedings appears secure for the immediate future.

D. Salisbury

Through the direct appeal of the chief judge to the Director of the Administrative Office, great progress has been made toward the renovation of existing space in the federal post office building so that the magistrate judge courtroom and chambers can be moved to accessible space on the first floor.

VII. Case Management

We continue to rely on the individual case assignment system, augmented by the use of frequent case management reports, backing each other up for trials, and the willingness of the chief judge and other judges from time to time to assist another judge with a particular caseload problem. The CJRA lists are monitored carefully, and, in recent years, the District of Maryland has performed extremely well on its six-month reports.

Concerned about the felon-in-possession docket, the Committee requested information from all district judges about the increase in hearings and trials resulting from these cases. While more centralized management of this docket remains a possibility, no immediate change is recommended, provided the district judges remain available to back each other up on trials as necessary.

¹As a practical matter, the court recognizes that the selection of the next district judge will depend on the political process rather than caseload. If a candidate from the Northern Division is appointed, he or she may be unwilling to relocate or commute. The relevant case distribution statistics, however, are attached as [Appendix A](#).

VIII. Court Organization and Governance

The court has identified no reason to seek the creation of two districts rather than two divisions. There must be a continuing focus, however, on the need for communication and coordination of operations between the divisions.

Following up on the 1999 Report's discussion of leadership issues, in April 1999 the court selected one of the district judges to serve as an administrative judge, sharing in the responsibilities of the chief judge; on May 1, 2001, the outgoing chief judge, with the consent of the bench, entered an order formally delegating authority to the administrative judge.² The bench sees this as part of the plan for a smooth transition of authority to the incoming chief judge, who has indicated his intention to enter the same order when he assumes the title in October 2001.

The court continues to rely on a strong committee system, actively involving Clerk's Office personnel and attorneys as well as judges.³ Frequent meetings, including meetings with the several unit executives, are an essential part of the court's administration.

The question of court unit consolidation was revisited recently when the long-time head of our Probation Department reached mandatory retirement, and the current head of Pretrial Services was selected as his replacement. After full consideration of the issue by an ad hoc court committee, approval was sought and obtained to consolidate the two offices. We fully expect the new Office to realize substantial efficiencies from the consolidation, while recognizing and maintaining the distinct missions of both Probation and Pretrial Services.

² A copy of the Delegation Order is attached as [Appendix B](#).

³ A list of the Standing Committees is attached as [Appendix C](#).

IX. Court Reporters

More effective integration of the court reporters into the court's administrative structure, providing better communication and a fair method of performance evaluation, has been identified as a strategic goal. The recent addition of the court reporters to the court's email system and the attendance of the administrative court reporter at the court's monthly consolidated bench meetings has proven helpful. The court also recognizes the importance of involving court reporters in space and facilities planning, particularly where new courtroom design and technology is under review.

X. Courtroom Deputies and Docket Clerks

Effective supervision and sharing of responsibilities among courtroom deputies and docket clerks continues to be a priority; no formal study has yet been undertaken.

XI. Criminal Justice Act

A. Panel Membership and Management

1. Training

The Federal Public Defender ("FPD") continues to sponsor two felony panel training sessions each year. This year the FPD also sponsored a misdemeanor panel training session at the Fort Meade court location. A manual entitled "Federal Misdemeanor Practice in the District of Maryland" has been published on the court's web site.

The FPD developed a web site, which contains links to resources for appointed counsel in the district. The FPD newsletter also is published on the web site.

2. CJA Misdemeanor Panel “Duty Attorneys”

“Duty Attorneys” are being utilized on the misdemeanor dockets at Fort Meade and at the Aberdeen Proving Ground. Under this system one CJA panel attorney is scheduled to attend on each court date to accept appointments that otherwise would have overloaded or created a conflict for the FPD. Continued study needs to be undertaken to determine whether a process should be developed to screen a lawyer’s qualification for serving as the duty attorney.

3. Membership Terms

The court has instituted three year terms for felony panel membership. Each year one-third of the panel must file renewal applications, which are considered each spring by the CJA Committee along with any new applications. In January of each year the Committee reviews reports from the bench on the performance of the felony panel attorneys. These reports are requested by the CJA Supervising Attorney at the conclusion of each sentencing proceeding when the representation is provided by CJA panel members. The Committee considers these evaluations during the renewal process.

4. Recruitment Efforts

The Committee is undertaking another outreach effort to persuade qualified attorneys in the Southern Division to join the felony panel. The Committee also is considering various methods to increase the diversity of the panel. The lack of a federal pretrial detention facility affects the court’s ability to obtain qualified counsel for CJA appointments because many of the state and local facilities used by the Marshal are a significant distance away from Baltimore and Greenbelt (e.g., the Charles County Detention Center is 82 miles round-trip from Greenbelt, the Allegany County Detention Center is 277 miles round-trip from Baltimore, and the Northern Neck Regional Jail is 267 miles round-trip

from Baltimore). Any increase in the number of death-qualified cases in the district will require recruitment of additional counsel qualified to represent defendants charged with capital offenses.

B. Case Budgeting

The CJA Committee is expanding case budgeting (i.e., CJA case budgets approved by court for attorneys' fees, expert costs, etc.) from capital cases to other complex litigation. The CJA Supervising Attorney is working on committing the budgeting process to a written document containing information on the court's policies and the budgeting process.

Capital litigation is the driving force behind increased CJA expenditures in this District. Maryland was noted as the fifth most active district for death-eligible cases in a report published by the Department of Justice. Raymond Bonner and Marc Lacey, *U.S. Plans Delay in First Execution in Four Decades*, N.Y. Times, July 7, 2000.

C. CJA Supervising Attorney

With the assistance of Judge Bedard, the CJA Supervising Attorney prepared a history of the panel reforms in the district. The CJA Committee is currently engaged in reviewing a draft of a revised CJA plan prepared by the CJA Supervising Attorney.

The CJA Supervising Attorney continues to assist the court with all aspects of CJA panel management, budgeting and compensation. She has also assisted the court with seeking funding for video-conferencing projects in both divisions of the court. The video-conferencing systems will link the district courts' attorney conference rooms with local detention facilities. It is hoped that the video-conferencing project will improve the quality of representation (by improving counsel's access to the client) as well as reduce the CJA expenditures for attorney travel. The video-conferencing system will

also be used by U.S. probation officers for pre-sentence report interviews.

The Federal Judicial Center recently issued a report on the efficacy of the three CJA Supervising Attorney pilot programs. Funding for the pilot programs is currently scheduled to terminate in March of 2002. The court intends to make every effort to persuade the relevant Judicial Conference Committees of the value of the programs and the need to continue their funding.

D. Annual Schedule

The CJA Committee amended the annual schedule to add a report on the allocation of CJA assignments between the FPD and the panel. This report is made in June and December of each year and allows the court to monitor the percentage of assignments as provided in the court's CJA Plan.

E. Potential Adverse Budget Factors

1. CJA expenditures- Factors which will adversely affect the annual CJA expenditures include lack of a federal pretrial detention facility and the increase in the statutory case compensation maximums under 18 U.S.C. §3006A. Further, if there is an increase in the number of death-eligible cases in Maryland, the annual CJA expenditures will increase.

2. Court operating budget- If the CJA Supervising Attorney pilot program is not funded nationally, the court's operating budget will be adversely affected. The Committee believes that the CJA Supervising Attorney has become an essential court staff member, and should pilot funding terminate, operational imperatives would require the court to find other resources to fund the position.

XII. History Projects

While some progress has been made toward the creation of a historical center on the second floor, and on the videotaping of court ceremonies, most of the historical projects remain as long-term

goals. The court was able to use the services of the state's archivist to restore and preserve a pardon signed by President Lincoln, which eventually will be on display for the public.

XIII. Jury Management

A new automated jury management system ("JMS") was implemented in July 2000. Under the leadership of our Jury Committee, the court recently has shortened the length of jury service to one month of being on call, or service on one trial. Juror appreciation certificates have been created, and the jury committee has identified a number of issues for ongoing and future review, including the policy for release of juror names, orientation procedures, juror surveys, jury utilization statistics, and grand jury management. Continued improvement of the quality and efficiency of jurors' service remains a central goal.

XIV. Magistrate Judges

The court continues to rely heavily on its magistrate judges for their outstanding service both in handling a wide caseload and in participating in the administration of the court. Our former chief magistrate judge who retired in 1999 served as a very valuable asset in a recall status for two years and will continue to be available on an as-needed basis. To assist the magistrate judges with a rapid expansion in the number of Social Security appeals, which is expected to level off but not decline in the near future, the District obtained temporary funding through the Fourth Circuit for an additional law clerk.

With the expanding felony docket of felon-in-possession cases and capital litigation, it is essential to find methods of encouraging litigants to consent to trials before the magistrate judges in civil cases. Otherwise, the committee identified no need for change in the District's use of its magistrate

judges.

XV. New Judgeships

The need for three additional bankruptcy judges is fully justified. Indeed, the District experienced a 20% increase in Chapter 7 bankruptcy filings in the first quarter of 2001. The necessary legislation, however, remains pending.

We continue to anticipate the need for one additional district judge and one additional magistrate judge within the next five years. Potential district judge vacancies depend in part on the decisions of our colleagues: one will take senior status by the end of June 2002, another will reach eligibility for senior status by the end of June 2003, and two more will be eligible by the end of December 2007.

XVI. Personnel Issues

Great strides have been made in accomplishing cooperation and effective communication among the unit executives, involvement of line employees in suggestions for change, and overall improvement in management and morale. Awards based on performance have been established. Achievement of all of these goals requires constant work and attention and must remain a long-term priority.

XVII. Policy Planning and Implementation

Planning, review, and implementation of new procedures, as well as frequent operational training, are essential. The need for coordination between the two divisions and for integration of operations and technology remains constant. The Clerk's Office expects that establishing a new advisory staff attorney position will be of great assistance, particularly in the continuous process of

updating and maintaining forms and manuals. A full strategic planning process should be undertaken in 2002-2003.

XVIII. Pretrial Detention Facilities

The lack of a federal pretrial detention facility in this District remains of extreme concern to the bench and bar. While some improvement in safety and medical care for detainees was realized by a transfer of defendants from the Baltimore City Detention Center to a section of the state's "Super Max" facility, substantial problems of attorney access remain unsolved. The Marshals Service, as well as the Federal Public Defender, CJA panel, and retained attorneys incur significant time and expense from the necessity to travel to the distant locations where many federal detainees are housed. The expansion of the felon-in-possession docket has exacerbated the problem over the past two years and is expected to continue in the future.⁴

XIX. Rules and Forms

The process of review of the Local Rules and the court's forms by the Rules and Forms Committee continues to function well. An extensive forms review project accomplished largely by members of the staff attorney's office with assistance from the Clerk's Office and the administrative judge is nearing completion. Maintaining and distributing updated forms requires constant attention, but we believe the court and litigants recognize significant benefits from the use of standardized forms wherever possible.

XX. Security

⁴ Statistics provided by the U.S. Attorney's Office are attached as [Appendix D](#).

The Sugarman sculpture has been relocated to an appropriate site in the Baltimore plaza, and 24-hour security continues to be provided by CSO's in the Baltimore courthouse. Long range concerns relate to the increase in prosecution of violent crime and capital cases in both Divisions, which strains the resources of the Marshal's Office, as well as the increased use of distant pretrial detention facilities in the absence of a federal facility.

XXI. Senior Judges

Senior judges continue to assist with the court's caseload and provide valuable participation on court committees. We hope and anticipate that this will continue as some of our active colleagues take senior status in the next few years.

XXII. Staff Attorneys

Our caseload continues to justify at least four full-time positions in the staff attorneys' office. The staff attorneys provide vital service to the court not only in traditional prisoner litigation, but also with a wide range of pro se litigation, immigration matters, and court operations. As an example, an excellent manual for pro se litigants was developed by that office, which has been posted on the court's website and shared with other districts.